

258

**ALCOHOLIC BEVERAGE CONTROL
VOLUNTARY AGREEMENT
1216 13th Street, Inc. t/a
Mid-City Liquors
1216 13th Street, NW
Case Number: 258-99059P
Retailer's License Class "A" - License Renewal**

This Voluntary Agreement (the "Agreement") is made the 6th day of October, 1999, by and between Advisory Neighborhood Commission 2F ("ANC 2F") on behalf of the affected community (the "Protestants") and 1216 13th Street, Inc., t/a Mid-City Liquors (the "Licensee").

WITNESSETH

WHEREAS, Licensee operates a Class "A" Retailer's establishment at premises 1216 13th Street, NW, Washington, DC; and

WHEREAS, Licensee's application for renewal of its license is pending before the District of Columbia Alcoholic Beverage Control Board (the "Board"); and

WHEREAS, Protestants have timely filed a protest against the renewal of this application pursuant to section 14(b) of D.C. Code §25-115(b) (1996 Repl. Vol.); and

WHEREAS, the parties are desirous of entering into a Voluntary Agreement for the operation and maintenance of the business in such a manner as to be consistent with the peace, order and quiet of the neighborhood and to eliminate the need for a Protest Hearing regarding the renewal application,

NOW, THEREFORE, in consideration of the mutual promises of the parties hereinafter set forth, the parties agree as follows:

1. **HOURS OF OPERATION.** The parties agree that the hours of operation shall remain 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 10:00 p.m. on Friday, and 9:00 a.m. to 12:00 midnight on Saturday.

2. **PUBLIC TELEPHONES.** Licensee will oppose the installation of public pay telephones on the exterior of the premises.

3. **APPEARANCE OF PREMISES.** Licensee will maintain the facade of the premises and make repairs when needed. Licensee agrees to comply with 23 DCMR §1100.2, which provides that no advertisement of any kind relating to alcoholic beverages shall be displayed on the exterior of any window and exterior or interior of any door. Licensee agrees to comply with all laws regulating the advertisement and sale of tobacco products.

4. MAINTENANCE OF PUBLIC SPACE. The Licensee shall keep the sidewalk and curb in front of the premises free of trash and other debris in compliance with D.C. Municipal Regulations and shall work with adjacent establishments to keep the entire area from the premises to the corner of 13th and M Streets, NW clean. Protestants will use their best efforts to enlist the cooperation of the Department of Public Works in keeping the street and vacant lot at the corner of 13th and M Streets, NW clean.

5. LOITERING. The Licensee shall post a "No Loitering" sign on the exterior of the premises. Store personnel shall call police to disperse congregants from the front of the store and the vicinity.

6. RESTRICTIONS ON SALES. Licensee agrees to cooperate with ANC 2F in its efforts to reduce public drinking and illegal drug use in the neighborhood. Accordingly, Licensee will neither sell nor give away plastic or paper cups in quantities of four or less. The Licensee shall make no sales of single bottles or cans of beer in containers of 12 ounces or less that are normally packaged in six-packs and that are likely to be consumed on the street. The Licensee shall make no sales of Philly Blunt cigars, cigarette rolling papers, glassine bags or other drug paraphernalia.

7. CONDITIONS OF LIQUOR LICENSE. The Licensee will adhere to the conditions of the license for the Establishment herein contained, and the parties further agree that the provisions of this Voluntary Agreement shall become a part of the conditions of the license. Protestants agree to notify the Licensee of any violation of the terms of this agreement and to allow the Licensee a reasonable amount of time to cure such violation. The parties further agree that failure of the Licensee to correct any violations of the conditions of the license, or repeated violations, whether of the same or different provisions of this Agreement, shall be just cause for the Protestants to apply to the Alcoholic Beverage Control Board for an Order to Show Cause why the license should not be suspended or revoked, or a fine imposed in accordance with Municipal Regulations.

9. WITHDRAWAL OF PROTEST. The Protestants hereby withdraw their protest of the Application and agree to provide whatever further evidence of said withdrawal may be required by the Board.

10. BINDING EFFECT. This Voluntary Agreement shall be binding upon and enforceable against the Licensee and its successors and assigns during the term of the License. The Licensee shall give prior notice to the other party of any contemplated transfer of the license to a third party.

11. NOTICES. Any notices required to be made under this Agreement shall be in writing and mailed by Certified Mail, or return receipt requested, postage prepaid, to the other party to this Agreement, as follows:

If to Licensee:

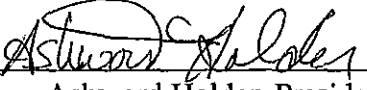
1216 13th Street, Inc., t/a Mid-City Liquors
1216 13th Street, NW
Washington, DC 20005

If to Protestants:

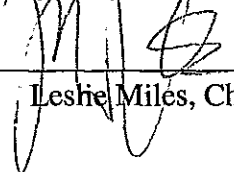
Leslie Miles, Chair
ANC 2F
1244 10th Street, NW
Washington, DC 20001

IN WITNESS WHEREOF, the parties have executed this Voluntary Agreement this 6th
day of October, 1999.

1216 13th Street, Inc., t/a Mid-City Liquors

by: 
Ashword Holder, President

Advisory Neighborhood Commission 2F (ANC 2F)

by: 
Leslie Miles, Chair

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

1216 --13th Street, Inc.
t/a Mid-City Liquors

Application for a Retailer's License
 A - renewal
 at premises
1216 --13th Street, N.W.
Washington, D.C.

Case No. 258-99059P

**Helen M. Kramer, Secretary, on behalf of Advisory Neighborhood Commission 2F,
Protestant**

Larry C. Williams, Esquire, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Allen Beach, Member
Ellen Oppen-Weiner, Esquire, Member
Max Salas, Member
Audrey E. Thompson, Member
Joseph Wright, Member**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on May 26, 1999, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Helen M. Kramer, secretary, on behalf of the Advisory Neighborhood Commission 2F, filed a timely protest letter dated May 9, 1999.

The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated October 6, 1999, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

1216 - 13th Street, Inc.
t/a Mid-City Liquors
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Accordingly, it is this 13th day of October 1999, **ORDERED** that:

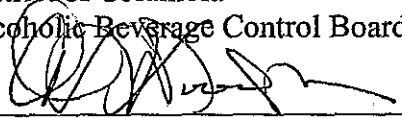
1. The protest of Helen M. Kramer, secretary, on behalf of the Advisory Neighborhood Commission 2F, be, and the same hereby, is **WITHDRAWN**;

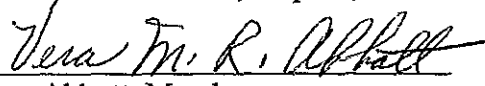
2. The application of 1216 - 13th Street, Inc. t/a Mid-City Liquors for a retailer's class A license (renewal) at premises 1216 - 13th Street, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;


3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**; and,

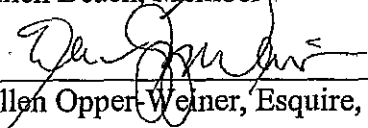
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Oppert-Weiner, Esquire, Member

Max Salas, Member


Audrey E. Thompson, Member

Joseph Wright, Member